IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.134 OF 2005

Akhil Bharatiya General Kamgar Union...Petitioner.

Vs.

Maker Chamber No.III Co-op.Soc.Ltd....Respondent.

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Mr.N.M.Ganguli for the Petitioner.

Mr.K.P.Anilkumar for the Respondent.

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CORAM : DR.D.Y.CHANDRACHUD, J.

February 7, 2005.

P.C. :

Both, the Labour Court and in revision, the Industrial Court came to the conclusion that the order of retrenchment should not be interfered with. There was a bonafide mistake in computing the retrenchment compensation, in that, though the retrenchment compensation should have been calculated on the basis of 26 days' of work per month, the wages were computed with reference to 30 days. In accordance with the law laid down by this

Court in **Managing Director, the Bombay Film Laboratory Ltd. vs. L.G.Savule**, 1997 I CLR 930, this mistake was rectified at the earliest and the balance retrenchment compensation was paid. Three of the employees accepted the retrenchment compensation without any protest. Besides, the Industrial Court has noted that from the Attendance Registers and the material on the record, it was clear that the salary of the Security Guards was Rs.1650/-. However, calculations were in fact, made on the basis of the wages of these guards at the higher rate of Rs.1950/- per month. The short fall in computing the retrenchment compensation was also, as noted earlier, was rectified at the earliest. There is no merit in the petition which is accordingly rejected.

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